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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,262	05/04/2001	Justin Charles Moodie	11266/113	6301
23838	7590	11/16/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/848,262

Applicant(s)

MOODIE ET AL.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 and 37-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 28-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in response to communication filed on 9/18/2006.
2. Claims 1-58 are pending. Claims 18-27 and 37-58 have been withdrawn.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holda-Fleck (5,729,693 hereinafter Holda-Fleck).

With respect to claims 1, 4, 14, 15, Holda-Fleck teaches receiving a voucher carrying a voucher code (col. 4, lines 14-20); inputting the voucher code to a terminal (col. 4, lines 28-35); and transmitting the voucher code from the terminal over a network to a predetermined network address (col. 4, lines 44-63).

Holda-Fleck doesn't specifically teach that the terminal/telephone is mobile and that the network is a wireless network. Official notice is taken that it is old and well known for terminal to be mobile and for network to be wireless network because such a modification would allow convenience to the users by overcoming the need to attach cables or the like. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the telephone of Holda-Fleck to be mobile and to be part of a wireless network in order to achieve the above advantages.

With respect to claim 2, Holda-Fleck further teaches transmitting an address of the terminal on the network to the predetermined network address (col. 4, lines 22-24).

With respect to claim 3, Holda-Fleck further teaches that the address of the terminal is automatically transmitted with the voucher code (col. 4, lines 22-24).

With respect to claims 5, 6, 28-31 Holda-Fleck further teaches receiving a message stating the number of points or discounts in the respective user's account after addition of the value of the voucher (col. 5, lines 26-32).

Claims 7-9, 16, 32-36, further recite including a question, inputting an answer to the question and transmitting the answer to a network address and letting the users know if the answer was incorrect. Official notice is taken that it is old and well known in marketing and the like for the users to be asked certain questions about a product or service and based on the users answers issuing points, coupons or discounts on products or services pertaining to the users interests. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a question, inputting an answer to the question and transmitting the answer to a network address and receiving points in order to obtain the above mentioned advantage.

Claims 10-13, 17 further recite a password and logging into a server over the network using said password to receive a reward. Official notice is taken that it is old

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and well known to use passwords or the like to log into a server to receive awards or the like because such a modification would allow only authorized users to receive rewards.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included including a password and logging into a server over the network using said password to receive a reward in order to obtain the above mentioned advantage.

### **Response to Arguments**

5. Applicant argues that Holda-Fleck does not teach a voucher carrying a voucher code. The Examiner respectfully disagrees with Applicant because Holda-Fleck teaches on col. 4, lines 55-63 that the product code assigned to the products acts as a voucher code, to "process the rebates. The database comprises a list of valid product codes and optionally, sub-lists of valid serial numbers associated with each code. A rebate amount is also stored for each product code in the database" As can see by Holda Fleck above, the product itself is a voucher and the product code acts as a voucher code for obtaining the rebates, discounts or points.
6. Applicant argues that Holda-Fleck doesn't teach adding points value derived from the voucher code. The Examiner disagrees with Applicant because Holda-Fleck teaches on col. 5, lines 19-40, that the rebate amount is derived from the product code and that the rebate amount, points or discounts are added on a periodic basis.
7. With respect to the Official notice taken since Applicant didn't command a response or request of such personal knowledge such as to provide a proper challenge that would at least cast reasonable doubt on the fact taken notice of, the Official notice

is sustained. See MPEP 2144.03 where In re Boon is mentioned.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a):

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

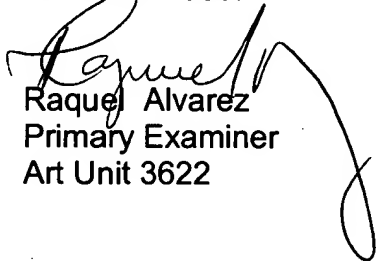
**Point of contact**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
11/11/2006